

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION

-----  
UNITED STATES OF AMERICA,

CR4 1:10-CR-00041

Plaintiff,

GOVERNMENT'S MOTION FOR  
CONTINUANCE

vs.

MICHAEL HOWARD REED and  
GREGORY ALLEN DAVIS,

Defendants.  
-----

Comes now the Government, by and through its undersigned attorney, to move this Court for a continuance in the jury trial currently scheduled for August 16, 2010. The government's reasons for its motion are two-fold.

First of all, one of the government's witnesses, United States District Court Judge Daniel Hovland, has a conflict with the trial week. Judge Hovland's primary chambers are in Bismarck, North Dakota. However, Judge Hovland and his law clerk have informed the undersigned that Judge Hovland currently has several court hearings that afternoon in Minot, North Dakota on August 16, 2010. Judge Hovland also informed the undersigned that starting Tuesday, August 17, 2010, he starts a lengthy trial in Minot in the case entitled, *United States v. Walette*. The Walette trial has been continued at least twice and is not likely to be continued again. Further, from talking to the prosecutor on the Walette case, the case will very likely go to trial since it involves a 30-year mandatory minimum sentence if the defendant is convicted. The government recognizes that Judge Charles B. Kornmann, the presiding

judge in the instant case, and Judge Hovland, a witness in the instant case, both have very busy schedules. Despite that, the government requests a continuance in the instant case hopefully to a date wherein Judge Hovland would at least be in Bismarck during the jury trial and more available to give testimony.

As an alternative ground for a continuance, the government moves for a continuance in order to give the defendants and their standby attorneys additional time to get ready. The government has already sent almost 1400 pages of written discovery in this case which was provided on a CD. The government has received word that computer access for the pro se detained defendants to review the CD is still in the works. It is, therefore, entirely probable that neither defendant has read any of the written discovery to this point. The government simply does not believe that the two pro se defendants and their standby attorneys can possibly be ready for trial by August 16, 2010. Further, the government is not interested in trying this case twice - the government sees a very real possibility that the pro se defendants may show up on the day of trial and complain that they have not had sufficient time to review all of the discovery. Additionally, defendants were very outspoken at their arraignment, and the government is also concerned that if the defendants are eventually removed from the courtroom because of their behavior, their standby attorneys will have to take over for them. The government does not believe that the attorneys will have had sufficient time, given their busy schedules also, to review the large amount of written discovery and to review

the many audio and video recordings that have also been provided. The bottom line is, the government simply does not believe the attorneys/defendants have had enough time to get ready for trial. With the volume of discovery, in almost any other case the defense attorneys would file a motion to continue the trial to secure the needed additional time. The government does not believe the motion may be filed in this case because the defendants are pro se. In an effort to avoid a potential retrial in this case, the government is seeking a continuance so that the defendants cannot later complain that they did not have sufficient time to prepare for trial.

Dated this 12th day of July, 2010.

*/s/Thomas J. Wright*

---

Thomas J. Wright  
Special Assistant United States Attorney  
P.O. Box 2638  
Sioux Falls, SD 57101-2638  
(605)357-2353

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies on this 12th day of July, 2010, a true and correct copy of the foregoing was served upon the following person(s), by placing the same in the service indicated, addressed as follows:

Mr. Jim Hovey  
Mr. Joel Larson

Via e-filing  
Via e-filing

*/s/Thomas J. Wright*

---

Thomas J. Wright  
Assistant United States Attorney